

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE J.M.JAMES

MONDAY, THE 6TH NOVEMBER 2006 / 15TH KARTHIKA 1928

Bail Appl..No. 6538 of 2006

CMP.4822/2006 of JUDL.M.F.C.-I,ERNAKULAM
CRIME NO.453/2006 OF PALARIVATTOR POLICE STATION
.....

: PETITIONER/ACCUSED NO.1

BIJU, AGED 24, S/O.JOSEPH PUTHENVEEDU,
SANTHIPURAM COLONY, POONITHURA VILLAGE.

BY ADV. SRI.DHANESH MATHEW MANJOORAN

RESPONDENTS: COMPLAINANT

STATE OF KERALA, REPRESENTED BY
S.I. OF POLICE, PALARIVATTOM POLICE STATION,
ERNAKULAM, REPRESENTED BY PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM.

BY PUBLIC PROSECUTOR P.N. SUKUMARAN

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION
ON 06/11/2006, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:

J.M.JAMES, J.

B.A. 6538/2006

DATED THIS THE 6TH DAY OF NOVEMBER, 2006

O R D E R

The petitioner is the first accused in crime No.453/2006 of Palarivattom Police Station, for the offence punishable under Section 399 IPC and also under Section 27 read with 20 of the Arms Act. He remains in judicial custody. Hence this application, under Section 439 Cr.P.C.

2. The allegation is that on 9.10.2006 at 12.30 in the night, about six accused were seen with weapons and entered the house of one Praveen. On interception and search of the bodies of the accused, it was found that the first accused, the petitioner herein, was concealing sword and the second accused was concealing a knife on his loin cloth. As the police, after interrogation, prima facie, found that the accused had assembled there for committing dacoity, the accused were arrested including the petitioner herein. They had approached the Sessions

Court for bail. The Court, though granted bail to the other accused, because of the involvement of the petitioner, the first accused, in three other different criminal cases of Eranakulam Town North Police Station, declined to grant him bail. Therefore, the petitioner is before this Court for bail, on the ground that he remains in judicial custody from 9.10.2006 and the investigation, in respect of the petitioner, is also complete.

3. The prosecution submits that the petitioner is the leader of a rival group of another gang leader of the locality and the release of the petitioner, at this stage, would be against the interest of the prosecution. Therefore, the application for bail is opposed.

4. The learned counsel for the petitioner had brought another version to submit namely, that the petitioner was summoned to the police station to settle a complaint, which he gave in respect of the brother of another accused, and it was at that time that he had been arrested and this false case is foisted.

5. There are three criminal cases, which are

registered against the petitioner. I cannot accept the submissions of the learned counsel that these three cases had been falsely registered by the police, against the petitioner.

6. After considering the submissions made by either side and the facts that are placed before me, I am not inclined to grant bail to the petitioner, the first accused, in this case. Therefore, the prayer is rejected.

Hence, the application is dismissed.

**J.M.JAMES
JUDGE**

mrCS